

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
BENJAMIN F. CHAPMAN (234436) (bchapman@cooley.com)
4401 Eastgate Mall
San Diego, CA 92121
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

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Attorneys for Defendant eBay Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNIVERSAL GRADING SERVICE, JOHN
CALLANDRELLO, JOSEPH KOMITO and
VADIM KIRICHENKO, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

eBAY INC., a foreign corporation,
AMERICAN NUMISMATIC
ASSOCIATION, a foreign non-profit
association, and PROFESSIONAL
NUMISMATISTS GUILD, INC., a foreign
corporation, BARRY STUPLER &
COMPANY, LLC.,

Defendants.

Case No. CV 09-02755 RMW

**STIPULATION AND [] ORDER
RE: CASE MANAGEMENT CONFERENCE
AND PLAINTIFFS' MOTION TO FILE A
THIRD AMENDED COMPLAINT**

Judge: Hon. Ronald M. Whyte
Date: November 6, 2009
Time: 10:30 a.m.
Courtroom: 6
Trial Date: Not yet set

WHEREAS, the Court held a Case Management Conference on November 6, 2009;

WHEREAS, at the Case Management Conference, the Court ordered the following:

(1) each party was to submit a letter directing the Court to the specific pleadings the Court should review in connection with the Defendants' respective motions to dismiss; (2) Defendants, via their respective letters, were allowed to supplement their respective motions to dismiss with respect to the law of the Ninth Circuit; (3) Defendants' letters were due December 4, 2009;

(4) Plaintiffs' response letter(s) were due December 18, 2009; (5) the Court would hear Defendants' respective motions to dismiss on January 15, 2009 at 9:00 a.m.; (6) discovery was stayed pending the Court's ruling on Defendants' respective motions to dismiss; and (7) a further Case Management Conference was set for January 15, 2009 at 10:30 a.m.;

WHEREAS, Plaintiffs subsequently requested that the Defendants stipulate to allow Plaintiffs to file a Third Amended Complaint amending their complaint to the format and rules of this Court and adding any further facts in support of their claims;

WHEREAS, Defendants eBay Inc. and Professional Numismatists Guild, Inc. did not oppose Plaintiffs' request to file a Third Amended Complaint and were willing to stipulate to the same;

WHEREAS, Defendant American Numismatic Association ("ANA") does oppose Plaintiffs' request to file a Third Amended Complaint, and will oppose any motion made by Plaintiffs;

WHEREAS, Plaintiffs will file a motion to amend their complaint pursuant to Federal Rule of Civil Procedure 15;

WHEREAS, in the interest of judicial economy, the Parties jointly propose that the Court stay the briefing schedule agreed to at the Case Management Conference pending the Court's ruling on Plaintiffs' anticipated motion to amend their complaint pursuant to Federal Rule of Civil Procedure 15;

WHEREAS, the Parties request that the Court adopt a briefing schedule for Plaintiffs' motion to amend their complaint as stated below;

WHEREAS, the Parties request that if necessary, a further Case Management Conference be heard telephonically after the Court rules on Plaintiffs' motion to amend their complaint to determine the next steps for further briefing (i.e., if Plaintiffs' motion to amend is granted, a briefing schedule on Defendants' anticipated motions to dismiss, and if Plaintiffs' motion to amend is denied, a briefing schedule on Defendants' letter briefs);

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IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto through their respective counsel of record, that:

1. Plaintiffs will file a motion to amend their complaint pursuant to Federal Rule of Civil Procedure 15 on or before January 15, 2010;

2. Defendant ANA will file their Opposition to Plaintiffs' motion to amend their complaint on or before February 15, 2010;

3. Plaintiffs will file their reply in support of their motion to amend their complaint on or before March 1, 2010;

4. The Court will hear Plaintiffs' motion to amend their complaint on March 12, 2010 at 9:00 a.m.;

5. The previously agreed to briefing schedule for Defendants' letter briefs and Plaintiffs' response letter briefs will be stayed pending a ruling on Plaintiffs' motion to amend their complaint;

6. If necessary, a further Case Management Conference will be held after the Court's ruling on Plaintiffs' motion to amend their complaint to discuss further briefing schedules.

IT IS SO STIPULATED.

Dated: November 25, 2009

COOLEY GODWARD KRONISH LLP

/s/ Benjamin F. Chapman
Benjamin F. Chapman (234436)

Attorneys for Defendant
EBAY INC.

Dated: November 25, 2009

ROPERS, MAJESKI, KOHN & BENTLEY

/s/ Jung H. Park
Jung H. Park (209473)

Attorneys for Defendant
AMERICAN NUMISMATIC ASSOCIATION

1 Dated: November 25, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

2
3 /s/ George Ziser

4 George Ziser (51879)

5 Attorneys for Defendant

PROFESSIONAL NUMISMATICS GUILD, INC.

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7 Dated: November 25, 2009

MARINA TRUBITSKY & ASSOCIATES, PLLC

8
9 /s/ Marina Trubitsky

10 Marina Trubitsky (pro hac vice)

11 Attorneys for Plaintiffs

UNIVERSAL GRADING SERVICE, JOHN

12 CALLANDRELLO, JOSEPH KOMITO and

VADIM KIRICHENKO

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14 Good cause appearing, **IT IS SO ORDERED.**

15 Dated: 12/9, 2009



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17 HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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20 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
21 *Benjamin F. Chapman hereby attests that concurrence in the filing of this document has been*
22 *obtained.*